EXHIBIT B

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

PATRICIA DESANTIS, individually and as Successor in Interest for RICHARD DESANTIS, deceased, and as Guardian Ad Litem for DANI DESANTIS, a minor and TIMOTHY FARRELL, a minor,

CERTIFIED COPY

Plaintiffs,

VS.

CASE NO. C 07 3386 JSW

CITY OF SANTA ROSA, JERRY SOARES, RICH CELLI, TRAVIS MENKE, PATRICIA MANN and DOES 1 through 25, inclusive,

Defendants.

DEPOSITION OF

RICHARD CELLI - VOLUME I

November 14, 2007

Reported by: JUDY A. MANFRED CSR No. 4748 HANNAH KAUFMAN & ASSOCIATES, INC.
Certified Shorthand Reporters
472 Pacheco Street
San Francisco, California 94116
(415) 664-4269

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DEPOSITION OF RICHARD CELLI - VOLUME I 3 Shorthand Reporter, testifled as follows:	1	INDEX	1	RICHARD CELLI,
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6 EXHIBITS 7 (No Exhibits Marked.) 8 No vesus City of Santa Ross, et al. in the United States 9 District Court, Nothero District of California, Court aceae number: 007-3386 JSW. Today's data is November 14th, 10 case number: 007-3386 JSW. Today's data is November 14th, 11 2007 and the time it 1:39. The location of this 12 deposition is 1375 Sutter Street, Suite 222, San 13 Francisco, California, The deposition was noticed by John 15 Scott of The Scott Law Firm and the videologie is being 16 productions, LLC, 182 Second Street, Suite 202, San 19 Productions, LLC, 182 Second Street, Suite 202, San 19 Productions, LLC, 182 Second Street, Suite 202, San 19 Productions, LLC, 182 Second Street, Suite 202, San 19 Productions, LLC, 182 Second Street, Suite 202, San 19 Productions, LLC, 182 Second Street, Suite 202, San 19 Productions, LLC, 182 Second Street, Suite 202, San 19 Productions, LLC, 182 Second Street, Suite 202, San 19 Productions, LLC, 182 Second Street, Suite 202, San 19 Productions, LLC, 182 Second Street, Suite 202, San 19 Productions, LLC, 182 Second Street, Suite 202, San 19 Productions, LLC, 182 Second Street, Suite 202, San 19 Productions, LLC, 182 Second Street, Suite 202, San 19 Productions, LLC, 182 Second Street, Suite 202, San 19 Productions, LLC, 182 Second Street, Suite 202, San 19 Productions, LLC, 182 Second Street, Suite 202, San Prancisco, California postory 20 San Street, Suite 202, San Francisco, California, before me 21 JUN Dr. ALMARRED, a Certified Shorthand Reporter in the 22 San Francisco, California postory 23 San Francisco, California postory 24 Santa Rosa, Poul Santa Rosa 25 Avenue, Santa Rosa, California postory 26 Santa Rosa, California postory 27 Santa Rosa, Volume that the set time this post of the defendants. 28 Avenue, Santa Rosa, California postory 29 Santa Rosa, California postory 20 Santa Rosa, Volume that the set time this post of the defendants. 29 Santa Rosa,	5		ì	
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9 District Court, Northern District of California, Court case number C07-3386 ISW. Today's date is November 14th, 2007 and the time it 1:39. The location of the part of the plaintiff. 10 California According to the bound of the plaintiff. 11 Case number C07-3386 ISW. Today's date is November 14th, 2007 and the time it 1:39. The location of the plaintiff. The video operator of the Scott Law Firm and the videotope is being produced on behalf of the District Court, Northern District of California, California Notary Public for the County of San Francisco, California Office of the Scott Law Firm and the videotope is being produced on behalf of the District Court, Northern District of California, California Notary Public for the County of San Francisco, California Office of the Scott Law Firm and the videotope is being produced on behalf of the District Court, Northern District of California, Office of the Scott Law Firm and the videotope is being produced on behalf of the District Court, Northern District of California, Public	7	(No Exhibits Marked.)		·
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produced on behalf of the plaintiff. The video operator is James Taylor, a California Notary Public for the County of San Francisco, California 94105, 415-624-1300. The County of San Francisco, California 94105, 415-624-1300. The County of San Francisco, California 94105, 415-624-1300. The County Reporter is Judy Manfred. 20 Would counsel please identify themselves and state whom they represent. 21 Would counsel please identify themselves and state whom they represent. 22 Would counsel please identify themselves and state whom they represent. 23 MR. SCOTT: John Scott appearing for plaintiff. 24 MR. SAFIRE: Eric Safire appearing for plaintiff. 25 MR. SAFIRE: Eric Safire appearing for plaintiff. 26 MR. SAFIRE: Eric Safire appearing for plaintiff. 27 Taking Deposition, and on Wednesday, the 14th day of November, 2007, commencing at the hour of 1:39 p.m. thereof, at the offices of The Scott Law Firm, 1375 Sutter Street, suite 222, San Francisco, California, personally appeared, State of California, personally appeared, Plaintiffs. 28 Street, Suite 222, San Francisco, California 94109, represented by MR. SCOTT: MR. SCOTT: Q. Would you state your full name for tecord, please? 38 APPEARANCES 39 APPEARANCES 30 APPEARANCES 31 APPEARANCES 31 APPEARANCES 31 APPEARANCES 31 APPEARANCES 32 APPEARANCES 33 APPEARANCES 34 A No. 35 APPEARANCES 36 A Richard Todd Celli. 37 A No. 38 California 94109, represented by JOHN H. SCOTT, LAW FIRM, 1375 Sutter Street, Suite 222, San Francisco, California 94109, represented by Manfred. 38 California 94109, represented by DoHN H. SCOTT, Attorney at Law, appeared on behalf of the Plaintiffs. 39 APPEARANCES 30 APPEARANCES 31 APPEARANCES 31 APPEARANCES 31 APPEARANCES 32 APPEARANCES 33 APPEARANCES 44 THE SCOTT LAW FIRM, 1375 Sutter Street, Suite 202, San Francisco, California 94109, represented by Manfred. 39 APPEARANCES 40 A No. 41 A No. 41 Call of Sergent Celli? 42 A No. 43 A No. 44 Caractive deader the search of the Appeared on behalf of the Plaintiffs.	13		ì	· · · · · · · · · · · · · · · · · · ·
Is James Taylor, a California Notary Public for the County of San Francisco, cemployed by Dan Mottazy Video Productions, LLC, 182 Second Steet, Suite 202, San Francisco, California 94105, 415-624-1300. The Court Reporter is Judy Manfred. Would counsel please identify themselves and state whom they represent. MR. SCOTT: John Scott appearing for the plaintiffs. MR. SAFIRE: Eric Safire appearing for the plaintiffs. MR. SAFIRE: Eric Safire appearing for plaintiff. Taking Deposition, and on Wednesday, the 14th day of November, 2007, commencing at the hour of 1:39 p.m. thereof, at the offices of The Scott Law Firm, 1375 Sutter Street, Suite 222, San Francisco, California, before me JUDY A. MANRED, a Certified Shorthand Reporter in the State of California, personally appeared, RICHARD CELLI, RECOTT LAW FIRM, 1375 Sutter Street, Suite APPEARANCES THE SCOTT LAW FIRM, 1375 Sutter Street, Suite APPEARANCES THE SCOTT LAW FIRM, 1375 Sutter Street, Suite LAW OFFICES OF ERIC SAFIRE, 2431 Fillmore Street, San Francisco, California 94109, represented by Plaintiffs. LAW OFFICES OF ERIC SAFIRE, 2431 Fillmore Street, San Francisco, California 94109, represented by Plaintiffs. LAW OFFICES OF ERIC SAFIRE, 2431 Fillmore Street, San Francisco, California 94109, represented by Plaintiffs. LAW OFFICES OF ERIC SAFIRE, 2431 Fillmore Street, San Francisco, California 94109, represented by Plaintiffs. LAW OFFICES OF ERIC SAFIRE, 2431 Fillmore Street, San Francisco, California 94109, represented by Plaintiffs. LAW OFFICES OF ERIC SAFIRE, 2431 Fillmore Street, San Francisco, California 94109, represented by Plaintiffs. LAW OFFICES OF ERIC SAFIRE, 2431 Fillmore Street, San Francisco, California 94109, represented by Plaintiffs. Plaintiffs. First of all, just so we have it clear that	14		į	·
of San Francisco, employed by Dan Mottaz Video Productions, LLC, 182 Second Street, Suite 202, San Francisco Productions, LLC, 182 Second Street, Suite 202, San Francisco, California 94105, 415-624-1300. The Court Reporter is Judy Manfred. Would counsel please identify themselves and state whom they represent. MR. SCOTT: John Scott appearing for the plaintiffs. MR. SAFIRE: Eric Safire appearing for plaintiff. Taking Deposition, and on Wednesday, the 14th day of November, 2007, commencing at the hour of 1:39 p.m. thereof, at the offices of The Scott Law Firm, 1375 Sutter Street, Suite 222, San Francisco, California, before me JUDY A. MANFRED, a Certified Shorthand Reporter in the State of California, personally appeared, State of California, personally appeared, MR. SCOTT: Q. Would you state your full name for the record, please? A No. A PPEARANCES THE SCOTT LAW Firm, 1375 Sutter Street, Suite 222, San Francisco, California 94109, represented by 10HN 16 H. SCOTT, Attorney at Law, appeared on behalf of the Plaintiffs. A Mister is fine. Q. And do you have a preference whether I refer to you as Mr. Celli or Sergeant Celli? A. Mister is fine. Q. And do you have a preference whether I refer to you as Mr. Celli or Sergeant Celli? A. Mister is fine. Q. And do you have a preference whether I refer to you as Mr. Celli or Sergeant Celli? A. Mister is fine. Q. Mr. Celli, my name is John Scott. I'm one of the attorneys who represents the plaintiffs in this case. That would be Richard Desantis, wife, and his two-year-old daughter in a lawsuit that's been brought against the City of Santa Rosa, you and others, relating to a shooting death that occurred earlier this year in April. First of all, just so we have it clear that	15		1	
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19 Francisco, California 94105, 415-624-1300. The Court Reporter is Judy Manfred. Would counsel please identify themselves and state whom they represent. Would counsel please identify themselves and state whom they represent. MR. SCOTT: John Scott appearing for the plaintiffs. MR. SAFIRE: Eric Safire appearing for plaintiff. 2	17		1	
20 Reporter is Judy Manfred. 21 Would counsed please identify themselves and state whom they represent. 22 MR. SCOTT: John Scott appearing for the plaintiffs. 23 MR. SCOTT: John Scott appearing for the plaintiffs. 24 Plaintiffs. 25 MR. SAFIRE: Eric Safire appearing for plaintiff. 26 Taking Deposition, and on Wednesday, the 14th day of 31 November, 2007, commencing at the hour of 1:39 p.m. thereof, at the offices of The Scott Law Firm, 1375 Sutter 5 Street, Suite 222, San Francisco, California, before me 3 JUDY A. MANFRED, a Certified Shorthand Reporter in the 5 State of California, personally appeared, 8 RICHARD CELLI, 8 RICHARD CELLI, 9 called as a witness herein; and the said witness, being by me first duly sworn, was thereupon examined and testified 1 as is hereinafter set forth. 11 as is hereinafter set forth. 12 A. No. 13 APPEARANCES 14 THE SCOTT LAW FIRM, 1375 Sutter Street, Suite 1222, San Francisco, California 94115, represented by JOHN 16 H. SCOTT, Attorney at Law, appeared on behalf of the Plaintiffs. 17 Plaintiffs. 18 LAW OFFICES OF ERIC SAFIRE, 2431 Fillmore 19 Street, San Francisco, California 94115, represented by 10 Plaintiffs. 19 Plaintiffs. 19 Plaintiffs. 19 Plaintiffs. 19 Plaintiffs. 19 CFICE OF THE CITY ATTORNEY, 100 Santa Rosa 24 Avenue, Santa Rosa, California 95402-1678, represented by 10 CAROLINE L. FOWLER, Assistant City Attorney, appeared on behalf of the 19 Dehalf of the Defendants. 19 CFICE OF THE CITY ATTORNEY, 100 Santa Rosa Avenue, Santa Rosa, California 95402-1678, represented by 10 CAROLINE L. FOWLER, Assistant City Attorney, appeared on 25 behalf of the Defendants. 19 CFICE OF THE CITY ATTORNEY, 100 Santa Rosa and others, relating to a shooting death that occurred earlier this year in April. 19 First of all, just so we have it clear that	18		ţ	
21 Would counsel please identify themselves and state whom they represent. 22 Would counsel please identify themselves and state whom they represent. 23 MR. SCOTT: John Scott appearing for the plaintiffs. 25 MR. SAFIRE: Eric Safire appearing for plaintiff. 26 MR. SAFIRE: Eric Safire appearing for plaintiff. 27 Taking Deposition, and on Wednesday, the 14th day of November, 2007, commencing at the hour of 1:39 p.m. 28 November, 2007, commencing at the hour of 1:39 p.m. 29 Attorney appearing for all of the defendants. 30 THE VIDEOGRAPHER: If there are no stipulations 31 THE VIDEOGRAPHER: If there are no stipulations 32 THE VIDEOGRAPHER: If there are no stipulations 33 THE VIDEOGRAPHER: If there are no stipulations 44 there of a defendants. 45 THE VIDEOGRAPHER: If there are no stipulations 46 CAROLINE R. ARCHARD CELLI, 47 EXAMINATION BY MR. SCOTT 48 MR. SCOTT: Q. Would you state your full name 48 FICHARD CELLI, 49 Called as a witness herein; and the said witness, being by 40 me first duly sworn, was thereupon examined and testified 41 as is hereinafter set forth. 41 THE SCOTT LAW FIRM, 1375 Sutter Street, Suite 42 A. No. 43 APPEARANCES 44 CAROLINE R. Assistant City Attorney, appeared on behalf of the 45 Plaintiffs. 46 Plaintiffs. 47 LAW OFFICES OF ERIC SAFIRE, 2431 Fillmore 48 LAW OFFICES OF ERIC SAFIRE, 2431 Fillmore 49 Street, San Francisco, California 94119, represented by 40 ERIC SAFIRE, Attorney at Law, appeared on behalf of the 41 Plaintiffs. 42 Plaintiffs. 43 Avenue, Santa Rosa, California 94102-1678, represented by 44 CAROLINE L. FOWLER, Assistant City Attorney, appeared on 45 behalf of the Defendants. 46 CAROLINE R. Assistant City Attorney, appeared on 47 behalf of the Defendants. 48 MR. SCOTT: John Scott appearing for the 49 Attorney appearing for all of the defendants. 48 THE VIDEOGRAPHER: If there are no stipulations 49 CAROLINE R. ASSISTANT CITY 40 CHECK CAROLINE R. ASSISTANT CITY 40 CHECK CAROLINE R. ASSISTANT CITY 41 Department; is that correct? 42 A. No.	19		ĺ	
22 state whom they represent. MR. SCOTT: John Scott appearing for the plaintiffs. MR. SAFIRE: Eric Safire appearing for plaintiff. MR. SAFIRE: Eric Safire appearing for alio fithe defendants. THE VIDEOGRAPHER: If there are no stipulations the City Attorney appearing for alio fithe defendants. THE VIDEOGRAPHER: If there are no stipulations the City Attorney appearing for alio fithe defendants. THE VIDEOGRAPHER: If there are no stipulations the City Attorney appearing for alio fithe defendants. THE VIDEOGRAPHER: If there are no stipula	20		1	
23 MR. SCOTT: John Scott appearing for the plaintiffs. 24 25 MR. SAFIRE: Eric Safire appearing for plaintiff. 25 MR. SAFIRE: Eric Safire appearing for plaintiff. 26 MR. SAFIRE: Eric Safire appearing for plaintiff. 27 Taking Deposition, and on Wednesday, the 14th day of 28 Attorney appearing for all of the defendants. 38 November, 2007, commencing at the hour of 1:39 p.m. 4 thereof, at the offices of The Scott Law Firm, 1375 Sutter 5 Street, Suite 222, San Francisco, California, before me 6 JUDY A. MANFRED, a Certified Shorthand Reporter in the 7 State of California, personally appeared, 8 RICHARD CELLI, 8 MR. SCOTT: Q. Would you state your full name 6 for the record, please? 4 A No. 13 APPEARANCES 15 A. No. 15 A. No. 15 A. No. 16 H. SCOTT LAW FIRM, 1375 Sutter Street, Suite 17 Plaintiffs. 18 LAW OFFICES OF ERIC SAFIRE, 2431 Fillmore 18 Street, San Francisco, California 94109, represented by 20 ERIC SAFIRE, Attorney at Law, appeared on behalf of the 21 Plaintiffs. 20 OFFICE OF THE CITY ATTORNEY, 100 Santa Rosa Avenue, Santa Rosa, California 95402-1678, represented by 24 CAROLINE L. FOWLER, Assistant City Attorney, appeared on 25 behalf of the Defendants. 25 First of all, just so we have it clear that	21			
24 plaintiffs. 25 MR. SAFIRE: Eric Safire appearing for plaintiff. 26 MR. SAFIRE: Eric Safire appearing for plaintiff. 27 Attorney appearing for all of the defendants. 28 Avenue, Santa Rosa, California 994105, represented by Dehalf of the Defendants. 29 Plaintiffs. 20 MR. SAFIRE: Eric Safire appearing for plaintiff. 20 MR. SAFIRE: Eric Safire appearing for plaintiff. 20 Attorney appearing for all of the defendants. 30 MR. FOWLER: Caroline Fowler, Assistant City 41 Attorney appearing for all of the defendants. 42 Attorney appearing for all of the defendants. 43 THE VIDEOGRAPHER: If there are no stipulations the Court Reporter may administer the oath. 44 (The oath was administered by the Court Reporter.) 45 Examination By Mr. SCOTT 46 MR. SCOTT: Q. Would you state your full name for the record, please? 47 Examination By Mr. SCOTT 48 MR. SCOTT: Q. Would you state your full name for the record, please? 48 A. No. 49 A. Richard Todd Celli. 40 A. Richard Todd Celli. 41 Q. Have you ever been known by any other names? 41 A. No. 42 A. No. 43 A. No. 44 Celli or Sergeant Celli? 44 A. No. 45 A. Mister is fine. 46 Q. Mr. Celli, my name is John Scott. I'm one of the attorneys who represents the plaintiffs in this case. 47 That would be Richard Desantis, wife, and his two-year-old daughter in a lawsuit that's been brought against the City daughter in a lawsuit that's been brought against the City daughter in a lawsuit that's been brought against the City daughter in a lawsuit that's been brought against the City daughter in a lawsuit that's been brought against the City death that occurred earlier this year in April. 40 First of all, just so we have it clear that	1		ļ	·
25 MR. SAFIRE: Eric Safire appearing for plaintiff. 2			1	
1 BE IT REMEMBERED that pursuant to Notice of Taking Deposition, and on Wednesday, the 14th day of November, 2007, commencing at the hour of 1:39 p.m. thereof, at the offices of The Scott Law Firm, 1375 Sutter Street, Suite 222, San Francisco, California, before me JUDY A. MANIFRED, a Certified Shorthand Reporter in the State of California, personally appeared, RICHARD CELLI, as is hereinafter set forth. The Scott Law Firm, 1375 Sutter State of California, personally appeared on behalf of the Plaintiffs. A PPEARANCES THE SCOTT LAW FIRM, 1375 Sutter Street, Suite Law, appeared on behalf of the Plaintiffs. Law Offices of FIRE CITY ATTORNEY, 100 Santa Rosa Avenue, Santa Rosa, California 94102-1678, represented by CAROLINE L. FOWLER, Assistant City Attorney, appeared on behalf of the Defendants. 1 MS. FOWLER: Caroline Fowler, Assistant City Attorney at Law, appearing for all of the defendants. THE VIDEOGRAPHER: If there are no stipulations the Court Reporter may administer the oath. (The oath was administered by the Court Reporter.) THE COURT Reporter may administer the oath. (The oath was administered by the Court Reporter.) EXAMINATION BY MR. SCOTT RICHARD CELLI, MR. SCOTT A RICHARD CELLI, MR. SCOTT AM. SCOTT: Q. Would you state your full name for the record, please? A Richard Todd Celli. Q. Have you ever been known by any other names? A. No. Q. You are a sergeant with the Santa Rosa Police Department; is that correct? A. Yes. Q. And do you have a preference whether I refer to you as Mr. Celli or Sergeant Celli? A. Mister is fine. Q. Mr. Celli, my name is John Scott. I'm one of the attorneys who represents the plaintiffs in this case. That would be Richard Desantis, wife, and his two-year-old daughter in a lawsuit that's been brought against the City of Santa Rosa, you and others, relating to a shooting death that occurred earlier this year in April. CAROLINE L. FOWLER, Assistant City Attorney, appeared on behalf of the Defendants.	1		Í	
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thereof, at the offices of The Scott Law Firm, 1375 Sutter Street, Suite 222, San Francisco, California, before me JUDY A. MANFRED, a Certified Shorthand Reporter in the Reporter.) State of California, personally appeared, RICHARD CELLI, REPORTER. A. RICHART TOOM Celli. Q. Have you ever been known by any other names? A. No. Q. You are a sergeant with the Santa Rosa Police Department; is that correct? A. Yes. Q. And do you have a preference whether I refer to you as Mr. Celli or Sergeant Celli? A. Mister is fine. Q. Mr. Celli or Sergeant Celli? A. Mister is fine. Q. Mr. Celli or Sergeant Celli? A. Mister is fine. Q. Mr. Celli or Sergeant Celli? A. Mister is fine. Q. Mr. Celli or Sergeant Celli? A. Mister is fine. Q. Mr. Celli or Sergeant Celli? A. Mister is fine. Q. Mr. Celli, my name is John Scott. I'm one of the attorneys who represents the plaintiffs in this case. That would be Richard Desantis, wife, and his two-year-old daughter in a lawsuit that's been brought against the City of Santa Rosa, you and others, relating to a shooting death that occurred earlier this year in April. First of all, just so we have it clear that	1		ł	* * * * * * * * * * * * * * * * * * * *
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RICHARD CELLI, general called as a witness herein; and the said witness, being by me first duly sworn, was thereupon examined and testified as is hereinafter set forth. 11	į.	•		• •
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APPEARANCES THE SCOTT LAW FIRM, 1375 Sutter Street, Suite THE SCOTT LAW FIRM, 1375 Sutter Street, Suite Department; is that correct? A. Yes. A. Yes. A. Yes. A. Mister is fine. Plaintiffs. ERIC SAFIRE, Attorney at Law, appeared on behalf of the ERIC SAFIRE, Attorney at Law, appeared on behalf of the Plaintiffs. Plaintiffs. OFFICE OF THE CITY ATTORNEY, 100 Santa Rosa Avenue, Santa Rosa, California 95402-1678, represented by CAROLINE L. FOWLER, Assistant City Attorney, appeared on behalf of the Defendants. A. Yes. Q. And do you have a preference whether I refer to you as Mr. Celli or Sergeant Celli? A. Mister is fine. Q. Mr. Celli, my name is John Scott. I'm one of the attorneys who represents the plaintiffs in this case. That would be Richard Desantis, wife, and his two-year-old daughter in a lawsuit that's been brought against the City of Santa Rosa, you and others, relating to a shooting death that occurred earlier this year in April. First of all, just so we have it clear that	I	as is nereinatter set forth.		
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20 ERIC SAFIRE, Attorney at Law, appeared on behalf of the Plaintiffs. 21 Plaintiffs. 22 OFFICE OF THE CITY ATTORNEY, 100 Santa Rosa 23 Avenue, Santa Rosa, California 95402-1678, represented by CAROLINE L. FOWLER, Assistant City Attorney, appeared on behalf of the Defendants. 20 attorneys who represents the plaintiffs in this case. 21 That would be Richard Desantis, wife, and his two-year-old daughter in a lawsuit that's been brought against the City of Santa Rosa, you and others, relating to a shooting death that occurred earlier this year in April. 23 First of all, just so we have it clear that	1	· · · · · · · · · · · · · · · · · · ·		
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24 CAROLINE L. FOWLER, Assistant City Attorney, appeared on 24 death that occurred earlier this year in April. 25 behalf of the Defendants. 25 First of all, just so we have it clear that	j	OFFICE OF THE CITY ATTORNEY, 100 Santa Rosa	İ	daughter in a lawsuit that's been brought against the City
25 behalf of the Defendants. 25 First of all, just so we have it clear that	23	Avenue, Santa Rosa, California 95402-1678, represented by	23	of Santa Rosa, you and others, relating to a shooting
_	24	CAROLINE L. FOWLER, Assistant City Attorney, appeared on	24	death that occurred earlier this year in April.
3	25	behalf of the Defendants.	25	First of all, just so we have it clear that
		3	: 	5

1	A. I wanted Mr Officer Menke to give orders that	1	mental illness?
2	Mr. Desantis would understand and follow.	2	A. I don't recall hearing it.
3	O. Towards what end?	3	Q. So you heard Officer Menke give commands to
4	A. A safe resolution to the situation.	4	Mr. Desantis. Did Mr. Desantis appear to hear and
5	Q. And what was that going to be?	5	understand the commands?
6	A. Taking him into custody.	6	A. Yes.
7	Q. Oh. At some point did you see this as a 5150	7	Q. Did it appear to you that he was complying with
8	situation?	8	those commands?
9	A. I don't know what I had at the time.	9	A. Hesitantly.
		10	Q. What do you mean by that?
10	Q. At some point did you learn that Mr. Desantis was	11	A. Officer Menke would have to repeat commands over
11	bipolar?	12	and over.
12	MS. FOWLER: Object. Assumes facts not in		Q. And did Officer Menke have to make several
13	evidence. You can answer that if you have an	13	commands before Mr. Desantis responded?
14	understanding.	14	
15	THE WITNESS: I don't know if Mr. Desantis was	15	A. Yes.
16	bipolar or not.	16	Q. At this point did you believe that another option
17	MR. SCOTT: Q. Did at some point that night	17	would have been to negotiate instead of make commands?
18	did you hear anyone say that?	18	A. No.
19	A. Yes.	19	Q. Why not?
20	Q. Who said it?	20	A. Mr. Desantis had to be controlled.
21	A. Patricia.	21	Q. Did you believe that you could control him
22	Q. When did she first say that to you?	22	through negotiations?
23	 After he had already been stopped. 	23	A. No.
24	Q. When you say stopped, what do you mean by that?	24	Q. Why did you believe that?
25	You mean killed?	25	A. Based upon Mr. Desantis's reactions and the
	106		108
1	A. When he had been shot	1	dynamics of the situation.
1	A. When he had been shot.	1 2	dynamics of the situation. O. What was it about his reactions and dynamics of
2	Q. So you heard Mrs. Desantis say that her husband	2	Q. What was it about his reactions and dynamics of
2	Q. So you heard Mrs. Desantis say that her husband was bipolar after he was shot?	2	Q. What was it about his reactions and dynamics of the situation that led you to believe that commands were
2 3 4	Q. So you heard Mrs. Desantis say that her husband was bipolar after he was shot?A. Yes.	2 3 4	Q. What was it about his reactions and dynamics of the situation that led you to believe that commands were necessary instead of negotiations to get control of the
2 3 4 5	Q. So you heard Mrs. Desantis say that her husband was bipolar after he was shot?A. Yes.Q. Did you hear her say that to anyone before he was	2 3 4 5	Q. What was it about his reactions and dynamics of the situation that led you to believe that commands were necessary instead of negotiations to get control of the situation?
2 3 4 5 6	Q. So you heard Mrs. Desantis say that her husband was bipolar after he was shot?A. Yes.Q. Did you hear her say that to anyone before he was shot?	2 3 4 5 6	Q. What was it about his reactions and dynamics of the situation that led you to believe that commands were necessary instead of negotiations to get control of the situation? A. It was my belief that Mr. Desantis still posed a
2 3 4 5 6 7	 Q. So you heard Mrs. Desantis say that her husband was bipolar after he was shot? A. Yes. Q. Did you hear her say that to anyone before he was shot? A. No. 	2 3 4 5 6 7	Q. What was it about his reactions and dynamics of the situation that led you to believe that commands were necessary instead of negotiations to get control of the situation? A. It was my belief that Mr. Desantis still posed a threat to his family, the community, and the officers and
2 3 4 5 6 7 8	 Q. So you heard Mrs. Desantis say that her husband was bipolar after he was shot? A. Yes. Q. Did you hear her say that to anyone before he was shot? A. No. Q. To your knowledge, had she told that to anyone 	2 3 4 5 6 7 8	Q. What was it about his reactions and dynamics of the situation that led you to believe that commands were necessary instead of negotiations to get control of the situation? A. It was my belief that Mr. Desantis still posed a threat to his family, the community, and the officers and that he had to be detained to make sure that there weren't
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2 3 4 5 6 7 8 9	 Q. So you heard Mrs. Desantis say that her husband was bipolar after he was shot? A. Yes. Q. Did you hear her say that to anyone before he was shot? A. No. Q. To your knowledge, had she told that to anyone before he was shot? A. I believe the call taker. 	2 3 4 5 6 7 8 9	Q. What was it about his reactions and dynamics of the situation that led you to believe that commands were necessary instead of negotiations to get control of the situation? A. It was my belief that Mr. Desantis still posed a threat to his family, the community, and the officers and that he had to be detained to make sure that there weren't any injuries to anyone there. Q. I agree. This guy needed to be detained and put
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STATE OF CALIFORNIA

I do hereby certify that the witness in the foregoing deposition was by me duly sworn to testify the truth, the whole truth, and nothing but the truth in the within-entitled cause; that said deposition was taken at the time and place therein stated; that the testimony of the said witness was reported by me, a Certified Shorthand Reporter and a disinterested person, and was under my supervision thereafter transcribed into typewriting; that thereafter, the witness was given an opportunity to read and correct the deposition transcript, and to subscribe the same; that if unsigned by the witness, the signature has been waived in accordance with stipulation between counsel for the respective parties.

And I further certify that I am not of counsel or attorney for either or any of the parties to said deposition, nor in any way interested in the outcome of the cause named in said caption.

	IN WITNESS WHEREOF, I have hereunto set my hand the	ne 26 th
day of	November, 2007.	
	Certified Shorthand Reporter	he C

CSR No. <u>47-48</u>